

**Introduced by Senator Schiff**

February 19, 1998

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An act to add Section 1054.8 to the Penal Code, relating to criminal procedure.

LEGISLATIVE COUNSEL'S DIGEST

SB 1927, as introduced, Schiff. Criminal procedure: discovery.

Existing law, added by initiative statute, requires the prosecuting attorney and the attorney for the defendant to disclose to each other specified materials and information in his or her possession, or known to be in the possession of investigators, including, among other things, names and addresses of witnesses the attorneys intend to call, as well as their statements and statements of the defendant.

This bill would prohibit the prosecuting attorney, attorney for the defendant, or investigator for either the prosecution or the defense from interviewing a victim or witness whose name has been disclosed pursuant to existing law without first clearly identifying himself or herself and whom he or she represents.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1054.8 is added to the Penal  
2 Code, to read:

1 1054.8. (a) No prosecuting attorney, attorney for the  
2 defendant, or investigator for either the prosecution or  
3 the defense may interview a victim or witness whose  
4 name has been disclosed pursuant to Section 1054.1 or  
5 1054.3 without first clearly identifying himself or herself  
6 and whom he or she represents.

7 (b) A willful violation of this section constitutes a  
8 misdemeanor.

